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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,564	01/28/2004	Sheridan E. Vincent	80686CJLT	5092

7590 10/27/2004
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EXAMINER

LE, HOA VAN

ART UNIT	PAPER NUMBER
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1752

DATE MAILED: 10/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/767,564

Applicant(s)

VINCENT ET AL.

Examiner

Hoa V. Le

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-36 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 25-36 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

This application is up for consideration.

- A. In view of the complexity of the claims as set up, this Office action is made.
- B. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 25, drawn to a processing kit, classified in class 430, subclass 450. Claim 36 will let to be rejoined with claim 25 when the invention of claim 25 is elected and are found to be allowable. If applicant disagrees or urges that the invention of claim 36 is required a separate consideration or search from the invention of claim 25 in the next response to this Office action in order for it to be considered timely, a restriction will be made for the record as urged.
 - II. Claims 26-27, drawn to a method for producing an image, classified in class 430, subclass 418.
 - III. Claims 28-29, drawn to another method for producing an image with patentably different and distinct steps from those in the invention of Group II above, classified in class 430, subclass 427.
 - IV. Claims 30, drawn to a bleach-fixing precursor with only fixing agent, classified in class 430, subclass 455.
 - V. The groups of claims (31), (32) and (33) with claim 33 being broadest (They are not considered to be patentably different or distinct. Therefore, no separate consideration or search will be made. Accordingly, no restriction is made.

Should applicant disagree, show or urge otherwise in the next response to the Office action in order for it to be considered timely, a restriction will be made for the record as shown or urged), drawn to a bleach-fixing precursor being capable of having more than one fixing agents, classified in class 430, subclass 459.

- VI. The groups of claims (34) and (35) with claim 35 being broadest (They are not considered to be patentably different or distinct. Therefore, no separate consideration or search will be made. Accordingly, no restriction is made.

Should applicant disagree, show or urge otherwise in the next response to the Office action in order for it to be considered timely, a restriction will be made for the record as shown or urged), drawn to a bleach-fixing precursor being capable of having more than one fixing agents, classified in class 430, subclass 458.

The inventions of Groups I, IV, V and VI are all related to the materials but have the patentably different and distinct subject matter and have acquired the separate status and searches in the art and can be supported the separate patents as divided by applicants. Restriction for examination as indicated is proper. Applicant should show or provide an evidence to the contrary. In the absence of convincing evidence, the restriction would not be removed.

The inventions of Groups II and III are all related to the methods but have the patentably different and distinct reactant materials and processing steps and have acquired the separate status and searches in the art and can be supported the separate patents as divided by applicants. Restriction for examination as indicated is proper. Applicant should show or provide an evidence to the contrary. In the absence of convincing evidence, the restriction would not be

removed.

Inventions Groups (I, IV, V and VI) and (II and III) are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, the process for desilvering an exposed and developed silver halide color photographic material as claimed, can be practiced with another materially different desilvering products being known or commercially available in the art. Applicant should show or provide an evidence to the contrary. In the absence of convincing evidence, the restriction would not be removed.

Because these inventions are distinct for the reasons given above and have acquired the separate status and searches in the art and can be supported the separate patents as divided by applicants. Restriction for examination purposes as indicated is proper. Applicant should show or provide an evidence to the contrary. In the absence of convincing evidence, the restriction would not be removed.

C. An additional consideration or search for more than one invention or subclass in the art is burdensome. Applicant should show or provide an evidence to the contrary. In the absence of convincing evidence, the restriction would not be removed.

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D. Applicant is advised that the reply to this requirement to be complete must include full elections and requirements to be examined even though the requirement be traversed (37 CFR 1.143).

E. Other issues have not been considered until full and proper elections and requirements are made and resolved.

F. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoa V. Le whose telephone number is 571-272-1332.

The examiner can normally be reached from 6:30 AM to 4:30 PM on Monday through Thursday and about the same time of most Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 571-272-1526.

Applicants may file a paper by (1) fax with a central facsimile receiving number 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Hoa V. Le
Primary Examiner
Art Unit 1752

HVL
26 October 2004

HOA VAN LE
PRIMARY EXAMINER

Hoa Van Le